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(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference P03038		FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/NO2004/000350		International filing date (day/month/year) 15.11.2004	Priority date (day/month/year) 26.11.2003
International Patent Classification (IPC) or national classification and IPC C25C3/06			
Applicant NORSK HYDRO ASA et al.			
<p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 4 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> <i>(sent to the applicant and to the International Bureau) a total of</i> sheets, as follows:</p> <ul style="list-style-type: none"> <input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. <p>b. <input type="checkbox"/> <i>(sent to the International Bureau only) a total of</i> (Indicate type and number of electronic carrier(s)), containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p>			
<p>4. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Box No. I Basis of the opinion <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application 			
Date of submission of the demand 13.06.2005		Date of completion of this report 02.09.2005	
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 eprnu d Fax: +49 89 2399 - 4465		Authorized Officer Hammerstein, G Telephone No. +49 89 2399-8175	



ATTACHMENT "E"

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A20060519 PTO 19 MAY 2006

**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**

International application No.
PCT/NO2004/000350

Box No. I Basis of the report

1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
 - This report is based on translations from the original language into the following language , which is the language of a translation furnished for the purposes of:
 - international search (under Rules 12.3 and 23.1(b))
 - publication of the international application (under Rule 12.4)
 - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

Description, Pages

1-8 as originally filed

Claims, Numbers

1-10 as originally filed

Drawings, Sheets

1/1 as originally filed

a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing

3. The amendments have resulted in the cancellation of:
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
 - the description, pages
 - the claims, Nos.
 - the drawings, sheets/figs
 - the sequence listing (*specify*):
 - any table(s) related to sequence listing (*specify*):

* If item 4 applies, some or all of these sheets may be marked "superseded."

BEST AVAILABLE COPY**INTERNATIONAL PRELIMINARY REPORT
ON PATENTABILITY**International application No.
PCT/NO2004/000350**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Yes:	Claims	1-10
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-10
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-10
	No:	Claims	

2. Citations and explanations (Rule 70.7):**see separate sheet**

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REPORT ON PATENTABILITY
(SEPARATE SHEET)**

International application No.

PCT/NO2004/000350

Re Item V**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

The document US-A-4221641 is regarded as being the closest prior art to the subject-matter of claims 1 and 4 in that it discloses (column 3, line 7 to column 4, line 60 and column 8, line 55 to column 9, line 3) a method and apparatus for replacing spent anodes in an aluminium electrolysis cell. The apparatus comprises a crane and gripping means for removing and inserting the anodes and an optical passage detector for detecting the presence of the anode at particular levels. From the difference in levels the insertion height of the new anode can be determined. A laser beam may be used as an additional optical detector.

The feature distinguishing the subject-matter of claims 1 and 4 is the equipment for determining the length of the spent anode and the new anode and the combination with a PLC to determine the insertion height of the new anode from the measured data.

The subject-matter of independent claims 1 and 4 is therefore new (Article 33(2) PCT).

The problem to be solved by the present invention may be regarded as providing a precise positioning equipment which is interfaceable with a microprocessor.

The solution to this problem proposed in claims 1 and 4 of the present application is considered as involving an inventive step (Article 33(3) PCT) since it is not suggested by the prior art documents.

Claims 2-3 and 5-10 are dependent on claims 1 and 4 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

It would appear that the present application rightfully claims its priority date such that US2004/0211663 is not considered as state of the art relevant under Article 33 PCT.